

KATHLEEN A. LEAVITT
CHAPTER 13 BANKRUPTCY TRUSTEE
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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

IN RE:
ALFRED T DEVAULT

Case No:-23-11750-ABL

CHAPTER 13

Debtor(s)

Hearing Date: August 24, 2023
Hearing Time: 1:30 pm

LAW OFFICE OF ERIK SEVERINO
Attorney for the Debtor

**TRUSTEE'S OPPOSITION TO CONFIRMATION OF PLAN
#1 COMBINED WITH TRUSTEE'S RECOMMENDATION FOR DISMISSAL**

Comes now KATHLEEN A. LEAVITT, Chapter 13 Bankruptcy Trustee, in the above captioned
bankruptcy case and hereby alleges as follows:

Statement of Facts

The Debtor(s) filed for Chapter 13 relief on 05/01/2023. The Section 341(a) Meeting of Creditors held on
July 18, 2023 at 3:00 pm was continued to August 1, 2023 at 2:00 pm.

Argument

The Trustee objects to confirmation of the Chapter 13 Plan and recommends that this case be dismissed
pursuant to 11 U.S.C. §1307(c) for one or more of the following reasons:

- Debtor(s) failed to commence Plan payments. 11 U.S.C. §1326(a)(1) & 1307(c)(4)
- Debtor(s) is/are delinquent in plan payments. 11 U.S.C. §1307(c)(1)
- Pursuant to Local Bankruptcy Rule 3015(g), Debtor(s) must demonstrate that all secured payments are current as of the date of confirmation.

Debtor(s) failed to cooperate with the Trustee as necessary to enable the Trustee to perform her duties pursuant to 11 U.S.C. §521(a)(3), §704 and/or §1302. This failure to cooperate has caused unreasonable delay that is prejudicial to creditors under 11 U.S.C. §1307(c)(1) as the Debtor(s) did not provide the following documents¹ and/or amendments:

- All tax returns for all taxable periods ending during the 4-year period ending on the date of the filing of the petition. Specifically: 2022
- Verification of Non-filing spouses vehicle payment of \$654.18..
- Most current statement or payment coupon received from Conduit Creditor.

Finally, Trustee makes the following statements in an effort to maintain a clear record:

- Debtor should ensure that all creditors have been noticed pursuant to LR 1007(b)(5)(B).

Conclusion

WHEREFORE, for the foregoing reasons, the Trustee objects to confirmation and recommends that this case be dismissed pursuant to 11 U.S.C. §1307(c).

Dated: 7/19/23

/s/ Kathleen A. Leavitt
Kathleen A. Leavitt
Chapter 13 Trustee

¹ The Trustee requests that all documents be submitted in a redacted form. Please reference F.R.B.P. 9037 for guidance on the information that should be redacted.

KATHLEEN A. LEAVITT
CHAPTER 13 STANDING TRUSTEE
711 S 4Th Street
Suite 101
Las Vegas, NV 89101

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

IN RE:

**CASE NO: BKS-23-11750-ABL
Chapter 13**

ALFRED T DEVAULT

Debtor (s)

CERTIFICATE OF SERVICE

1. On July 19, 2023, I served the following document(s):

**TRUSTEE'S OPPOSITION TO CONFIRMATION OF PLAN #1 COMBINED WITH
TRUSTEE'S RECOMMENDATION FOR DISMISSAL**

2. I served the above-named documents(s) by the following means to the persons

as listed below:

United States mail, postage fully prepaid

ALFRED T DEVAULT
4571 DOPO CT
LAS VEGAS, NV 89135

LAW OFFICE OF ERIK SEVERINO
7251 W LAKE MEAD BLVD
SUITE 300
LAS VEGAS, NV 89128

I declare under penalty of perjury that the foregoing is true and correct.

Signed on: 7/19/23

/s/ Esther Carr
Employee of
Kathleen A. Leavitt
Chapter 13 Standing Trustee